

When opened, the chest appeared full of candy. The candy occupied, however, only approximately 31 percent of the capacity of the container. The label failed to bear the name and place of business of the manufacturer, packer, or distributor.

On August 6, 1943, the United States attorney for the District of Oregon filed a libel against 47 cases, each containing 12 cedar chests, of candy at Portland, Oreg., alleging that the article had been shipped in interstate commerce by the Evans Novelty Co. from Chicago, Ill., on or about June 25 and 28, 1943; and charging that it was misbranded. Each chest contained a cellophane-wrapped tray of candy with a sticker label reading: "De Luxe Assortment Ingredients * * * Net Weight 1 Pound."

The article was alleged to be misbranded in that the containers were so filled as to be misleading, since the candy occupied only approximately 31 percent of the capacity of the container, and in that it was food in package form but failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On August 19, 1943, Victor's Novelty Co., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled and repacked in a manner satisfactory to the Food and Drug Administration.

5444. Misbranding of candy. U. S. v. 6 Cases, 5 Cases, and 32 Cartons of Candy. Consent decree of condemnation. Product ordered released under bond for repacking. (F. D. C. No. 10346. Sample Nos. 12278-F, 12279-F, 43102-F.)

This candy was contained in cedar chests or boxes, each chest or box containing a cellophane-wrapped tray of candy which was elevated by means of a false bottom. When opened, the chests and boxes appeared to be full of candy. The trays, however, occupied only approximately 31 percent of the capacity of the container. The labels failed to bear the name and place of business of the manufacturer, packer, or distributor.

On August 7, 1943, the United States attorney for the District of Oregon filed a libel against 6 cases, each containing 12 cedar chests, 5 cases, each containing 12 mirror boxes, and 32 cartons, each containing 12 cedar chests, of candy at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about June 28, 1943, by the Sylvan Company from Chicago, Ill.; and charging that it was misbranded. Each chest or box contained a cellophane-wrapped tray of candy with a sticker label reading: "De Luxe Assortment."

The article was alleged to be misbranded in that its containers were so filled as to be misleading since the candy occupied only approximately 31 percent of the capacity of the boxes, and in that it was food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On August 23, 1943, L. J. Korter, Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled and repacked under the supervision of the Food and Drug Administration.

5445. Misbranding of candy. U. S. v. 4 Cases and 11 Cases of Candy. Default decree of condemnation. Product ordered delivered to charitable organizations. (F. D. C. No. 10372. Sample Nos. 14497-F, 14498-F.)

A portion of this product (4 cases) consisted of a cardboard novelty box in the shape of a bomb and contained from 21 to 25 individually-wrapped candies. The remainder (11 cases) consisted of a cardboard novelty box in the shape of a bombshell and contained from 6 to 10 individually-wrapped candies, which occupied on an average about 60 percent of the container. Each package had an inset in the bottom about one-half inch deep. A portion of the product was found to be short weight. The net weight declaration was inconspicuous on both labels.

On August 7, 1943, the United States attorney for the Southern District of California filed a libel against 4 cases, each containing 60 packages, and 11 cases, each containing 144 packages, of candy at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 10 and March 5, 1943, by the Fascination Candy Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: (Packages) "Via Air Mail to Tokio U. S. A. Aerial Bomb * * * Net Weight 6 Ozs.," or "The Victory Bomb-Shell Junior."

The article was alleged to be misbranded in that the statement of quantity of contents required by law to appear on the label was not prominently placed